

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

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In Re: Paul S. Kulig, Esq.

Misc. No. 5:22-mc-00105

ORDER OF SUSPENSION

By order dated July 15, 2022, the Vermont Supreme Court suspended attorney Paul Kulig from the practice of law for a total of five months, consisting of an original three months imposed by order of the Vermont Professional Responsibility Board (“PRB”) which he served during the pendency of his appeal and an additional two months imposed by the Court.

The Vermont Supreme Court order was filed with this court on August 1, 2022. Pursuant to Rule 5(b)(2) of the Attorney Disciplinary Rules for this district, this court issued an order to show cause why identical discipline should not be imposed. Attorney Kulig filed a response seeking to avoid a further period of suspension in this court because he has completed his suspension as ordered by the Vermont Supreme Court.

Attorney Kulig did not notify this court of his three-month suspension by the PRB. Instead, he appealed the sanction to the Vermont Supreme Court as was his right. The PRB did not notify this court of the three-month sanction either since the case was on appeal. The consequence of the lack of notice to this court is that attorney Kulig has remained in good standing in this court until now. Attorney Kulig has not served a period of suspension imposed in this district, either for the original three months or for the additional two months.

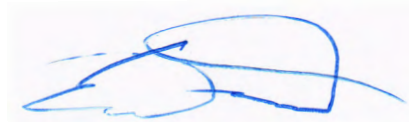
Rule 5 of the Attorney Disciplinary Rules governs the question of reciprocal sanctions for discipline imposed by other courts. “Thirty days after service of the order to show cause issued per Rule 5(b) above, this Court shall impose the identical discipline [unless certain exceptions apply.” Rule 5(d). The exceptions do not require a different outcome. There is no evidence of a due process violation or an “infirmary of proof.” The imposition of a separate five-month suspension period would not result in “grave injustice” and the misconduct is not of a type

warranting “substantially different discipline.” Rule 5(d)(1)-(4). A five-month suspension is mandatory.

The Attorney Disciplinary Rules do not authorize a retroactive suspension to make the state and federal suspension periods concurrent. Although the court accepts attorney Kulig’s representation that he was not active in the federal courts during his two periods of state suspension, he remained admitted before this court and could have provided representation if asked. While serving two separate periods of suspension is undoubtedly a hardship, attorney Kulig could have avoided the problem by notifying this court of his three-month suspension by the PRB when it occurred.

The court will follow its own Attorney Disciplinary Rules in ordering an immediate five-month suspension period commencing November 1, 2022. At the conclusion of that period, attorney Kulig will be eligible to apply for readmission.

Dated at Burlington, in the District of Vermont, this 31 day in October 2022.



Geoffrey W. Crawford
U.S. District Chief Judge